

ZONING MAP AMENDMENT REQUEST BY THE CITY COUNCIL
OF THE CITY OF WALTON, KENTUCKY, FOR PROPERTY OWNED
BY DOROTHY HILL, AND LOCATED ADJACENT TO THE PROPOSED
WALTON CITY PARK AND SOUTH OF OLD BEAVER ROAD,
WALTON, BOONE COUNTY, KENTUCKY

This request is for a Zoning Map Amendment for a site of approximately 20 acres, presently zoned Suburban Residential One (SR-1) and Rural Suburban (RS) and requested to be rezoned to all Rural Suburban. Approximately two-thirds of the site is in the SR-1 zone. The site is located on the south side of Old Beaver Road, northwest side of Old Stephenson Mill Road, and east of I-75. The present use of the site is agricultural cropland.

SURROUNDING LAND USES AND ZONING

Directly northwest of the subject site is a single family residence, on a parcel of approximately four acres, in the SR-1 zone. North of the site is Old Beaver Road. North of Old Beaver Road, in the SR-1 zone, is a single family residence, an equipment barn and farm implement sales building, and pasture.

East of the subject site, in the RS zone, is a vacant lot used for storage of farm implements and several (10) single family residences. South of the site, across Old Stephenson Mill Road, is the Walton- Verona High School, in a Public Facilities (PF) zone. West of the subject parcel is the future site of the Walton City Park, which is zoned Recreation.

SOILS, TOPOGRAPHY, AND VEGETATION

Soils on the site are Faywood silty clay loam (6-12% slope), Faywood silty clay (12-20% slope), and Nicholson silt loam (0-12% slope). The majority of the site is located on a ridgetop that runs parallel to Old Beaver Road. Drainage of the site is toward an existing drainage swale to the south.

Vegetation is predominantly agricultural (alfalfa) with some standing timber in the drainage swales.

These soils generally have poor characteristics for septic tank filter fields. When the site is developed, city water and sewer services should be utilized.

PUBLIC FACILITIES

A six inch water main is located along the north side of Stephenson Mill Road. Sanitary sewer service is located on the south side of Stephenson Mill Road. Access to the site could be from either Old Beaver Road or Stephenson Mill Road.

As previously mentioned, the subject parcel is adjacent to a 30 acre parcel upon which the City is planning to develop a

public park. The approximate one-third of the parcel, that is currently zoned RS, is north of the Walton-Verona High School.

Since the request is to rezone the property to a residential zone, no Concept Development Plan is required.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

This Zoning Map Amendment must be reviewed on the basis of the 1986 Boone County Comprehensive Plan. The general area of the request is referred to in a number of ways:

1986 Future Land Use Map - Borderline High Density Residential, Medium Density Residential, Rural Lands.

1986 Comprehensive Plan, Land Use Element

Residential development will occur both within and around the city. Medium to high density residential development will occur between Main Street and I-75. Residential infilling between streets will occur. Medium density residential development will occur on the eastern side of town, primarily between Church and High Street. The medium density residential development will occur on the southern edge of town. More specifically, south of U.S. 25, east of the railroad tracks and around Boone Lake. Low density residential growth will occur along the remaining roads.

Because of the potential resurgence of growth in this area a community scale, recreational area, for both passive and active recreation, is needed and the school should become further utilized as a community center. (p. L-22).

1986 Comprehensive Plan, Goals and Objectives

Goal:

To ensure that safe, decent, and sanitary housing exist for all Boone County residents.

Objectives:

5. In order to offer the citizens of Boone County maximum choice in living environment, residential development plans shall be judged primarily on the basis of density (dwelling units per acre) with only secondary consideration given to type of structure.

6. Residential development shall be regulated as to basic health and safety considerations, including: a) Proper connections to appropriate water supply, sewage disposal units, and telephone and electric lines, b) Properly designed and constructed storm drainage systems according to location and use.

10. High density development shall occur in locations with immediate or convenient access both to major streets or highways and to shopping and public facilities.

11. Progression of intensities shall be encouraged. Where traditional progressions of high density to low density development can not be followed, adequate buffering must accompany high density usage. (pp. G-1, G-2)

1986 Comprehensive Plan, Housing Element

Walton-Verona Area

This area is not projected to gain much population in the next 15 years. This area lies fairly far from any urbanized sections of the county, and has a strong agricultural character. Walton, however contains a fairly high percentage of multi-family units, and the more moderate income levels of the area would encourage additional multi-family construction.

SPECIAL CONCERNS

Staff's major concern regarding the proposed zone change is the decrease in housing unit density that would result. The eventual development of this parcel may require construction of a public street, which would connect Old Beaver Road and Stephenson Mill Road, and provide access to the interior portion of the site. This road construction, along with the extension of water and sewer service into the site, may not promote an economically feasible means of developing the site. In other words, a dwelling unit density of greater than two units per acre may be necessary to cover the costs of the needed public improvements. The existing SR-1/RS zoning would permit approximately 60 dwelling units on the subject site. If the 20 acre site was entirely zoned RS, a maximum of 40 dwelling units would be permitted, for an overall difference of 30% between the two scenarios.

CONCLUSION

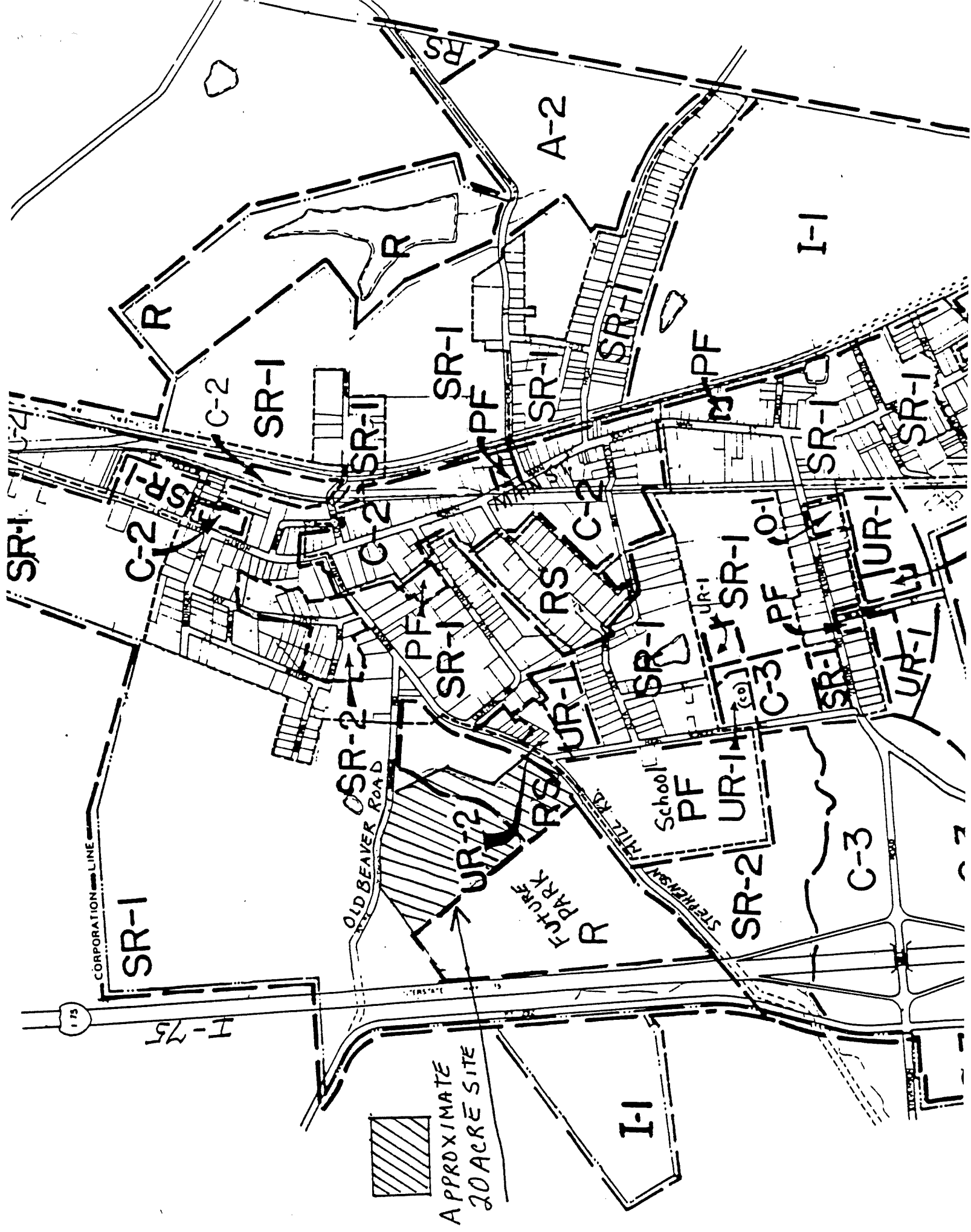
This request should be reviewed in regard to its relationship to the Boone County Comprehensive Plan. If the Planning Commission and Walton City Council were to approve this request, the 1986 Future Land Use Map would need to be amended to reflect low density residential for the site.



Jim Sturdevant
Plans Examiner/Planner

JS:mcb

Call PROPERTY
OWNER
Re: [unclear]
[unclear]



APPROXIMATE
20 ACRE SITE

CORPORATION LINE

OLD BEAVER ROAD

FUTURE PARK

SCHOOL

STERNMAN HILL RD

SR-1

C-2

SR-1

SR-2

SR-1

SR-1

RS

UR-1

SR-1

UR-14

SR-2

C-3

C-3

PF

SR-1

SR-1

UR-1

UR-1

SR-1

I-1

A-2

R

SR-1

SR-1

SR-1

SR-1

SR-1

175

I-75

BOONE COUNTY PLANNING COMMISSION

PUBLIC HEARINGS

FEBRUARY 25, 1987

8:00 P.M.

PUBLIC HEARING

#1 ZONING MAP AMENDMENT - Rector Jones, Chairman; Jim Sturdevant, Staff

Chairman Paul Kroger opened the Public Hearing on the request of the City Council of the City of Walton, Kentucky, for a Zoning Map Amendment to rezone a certain property, more commonly known as the Dorothy Hill Property, from the present zoning of Suburban Residential One (SR-1) and Rural Suburban (RS). The property is adjacent to the proposed Walton City Park, located south of Old Beaver Road, west of Stephenson Mill Road, and east of I-75, and containing approximately 20 acres.

Staff member Jim Sturdevant stated he had a brief description of the site along with a slide presentation and a Staff Report. (See Staff Report)

Chairman Kroger asked if there was anyone present to represent this request.

Mr. King, Mayor of Walton, stated he was here for this particular zone change, and feels it is necessary for the Commission and City to rezone this area from Suburban Residential One (SR-1) to Rural Suburban (RS). He stated the present zone would permit four houses per acre and such a high density would create higher maintenance costs and policing of the said Park. It would also result in lowering property values of houses in adjoining zones which are presently in an RS zone. Mayor King stated he had several copies of the resolution.

Chairman Kroger asked Mayor King if he was submitting the resolution for the record. Mayor King said yes, he was.

Chairman Kroger asked if there was anyone else in the audience to speak in behalf of the zone change, or if there was anyone in opposition.

Seeing no one wishing to speak on this request, Chairman Kroger asked if the Commission had any questions. No questions were asked.

Chairman Kroger asked if the owner of the property was aware

of the request. Mayor King stated Dorothy Hill was the owner and he had talked to Mrs. King who lives in Florida, and she agreed with the zone change. Chairman Kroger asked if she would be willing to write a letter to this effect.

Chairman Kroger asked Jim Sturdevant if he had talked to anyone else concerning this. Jim stated yes, he had received a telephone call from Mrs. Hill's realtor. Mr. Sturdevant stated the gentleman was from Cincinnati, but did not have his name at present, but had it on file.

Chairman Kroger asked if there was anyone else to speak in behalf of this request. There being none, Chairman Kroger closed this Public Hearing and stated it would be heard on March 4, 1987.

PUBLIC HEARING

#2 ZONING MAP AMENDMENT - Rector Jones, Chairman; Tom Breidenstein, Staff

A request of Rev. Robert Pitman of Christ United Methodist Church for a Zoning Map Amendment from Commercial Services (C-3) to Suburban Residential One (SR-1) and a Conditional Use Permit on the same application to allow the construction of a church. The 8.0 acre site is located at the triangular piece of property formed by the western intersection of KY 18 and Boone Aire Road and is owned by Lloyd Stephenson, Charles Durmbaugh, and Paul Long, Trustees of Christ United Methodist Church of Florence. A waiver of fees has been requested.

Mr. Tom Breidenstein, staff member, stated the applicant is requesting a conditional use permit with the zone change request. He wanted to remind the Commission since the changes to KRS 100, last year, our Zoning Regulations have been changed to allow for the Planning Commission to grant conditional use permits during a zone change request. Mr. Breidenstein gave a brief history of this property. (See Staff Report)

Chairman Kroger asked if Rev. Pitman was going to speak for the church. He stated he was very excited about the area and had begun services in September and now have nearly 150 members. He stated that one main reason they bought the property was because they foresee their church being in a metropolitan region, and not just serving a neighborhood area, but serving outward to many people. He thought the church would be a well added

Chairman Kroger then asked for a motion that after the minutes of the February 25, 1987 meeting had been corrected, that they be approved. A motion was made by Mr. McMillian that minutes be approved after said corrections have been made. Mr. Jones seconded the motion. All agreed. Motion carried.


Chairman Kroger inquired of bills to be paid. Staff member Millie Becker submitted the following list of bills to be paid: Staff salaries and benefits - \$2,314.40; Greg Sketch (Engineer) -\$280.00; Skees and Wilson - \$916.66; Tower Services Corp. (Harvey Pelley) - \$575.00; Mileage - \$142.38; The Cincinnati Enquirer -\$77.70; Ohio Blue Print - \$125.19; The Picture Place -\$123.17; Redeker & Dick - \$297.70; United Signs - \$60.00; John Noble -\$115.00; United States Post Office - \$22.00; Cash (for petty cash) - \$50.00; Nor-Com, Inc. - \$171.40; Tri-City Insurance -\$579.57; The Seybold Co. - \$389.90; GRW Aerial Surveys - \$52.00; Jerry Rouse - Recording Fees - \$24.00; EDM Business Interiors -\$159.00; Scott Business Machines - \$332.44; Budget Print Center -\$87.50; Village Square Office Products - \$1.47; Dixie Vending -\$32.00; Morris & Bressler - \$230.00; Huntington Bank -\$1,765.10; Huntington Bank - \$1,723.99 and Staff Salaries -\$6,856.37 representing a grand total of \$17,503.94.

Mr. McMillian made a motion that the bills be approved. Motion seconded by Mr. Collins. All agreed. Motion carried.

REPORTS

Chairman Kroger noted the Zoning Officer's Report; the Building Inspector's Report; the Convenience Plat Report; and the Budget Comparative Report for the Commission's review and comment. Hearing no questions or comments on the above noted reports, Chairman Kroger proceeded with the meeting.

ZONING MAP AMENDMENT

 A request of the City Council of the City of Walton, Kentucky, for a Zoning Map Amendment to rezone a certain property, more commonly known as the Dorothy Hill Property, from the present zoning of Suburban Residential One (SR-1) and Rural Suburban (RS), to all Rural Suburban (RS). The property is adjacent to the proposed Walton City Park, located south of Old Beaver Road, west of Stephenson Mill Road, and east of I-75, and containing approximately twenty (20) acres.

Mr. Gerald Newton read the Committee Report which recommended approval based on findings of facts.

FINDINGS OF FACT

1. There have been major changes of an economic, physical or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character. The specific

location and development of the proposed Walton City Park was not specifically addressed in the 1986 Boone County Comprehensive Plan.

2. The existing zoning classification is inappropriate and the proposed zoning classification is appropriate. The proposed zoning is appropriate for several reasons:

a) The potential increase in traffic due to development of a park serving community needs should be offset by a decrease in potential housing unit density for property in the vicinity. Old Beaver Road and Stephenson Mill Road, in their existing conditions, are capable of serving only a moderate volume of residential and through traffic.

b) The proposed zoning classification would limit residential development on the subject parcel to a density similar to existing residential development in the immediate vicinity, thus preserving the value and character of the neighborhood adjoining the proposed park site.

Mr. McMillian made a motion that the Zoning Map Amendment be approved; motion was seconded by Mr. Collins. All agreed. Motion carried.

ZONING MAP AMENDMENT

A request of Rev. Robert Pitman of Christ United Methodist Church for a Zoning Map Amendment from Commercial Services (C-3) to Suburban Residential One (SR-1) and a Conditional Use Permit on the same application to allow the construction of a church. The 8.0 acre site is located at the triangular piece of property formed by the western intersection of KY 18 and Boone Aire Road and is owned by Lloyd Stephenson, Charles Durmbaugh, and Paul Long, Trustees of Christ United Methodist Church of Florence. A waiver of fees has been requested.

Mr. Gerald Newton read the Committee Report which recommended approval based upon findings of fact and with conditions.

FINDINGS OF FACT

1. The proposed rezoning is in compliance with the 1986 Boone County Comprehensive Plan Future Land Use Map which indicates the future use of this property to be Low Density Residential.

2. The 1986 Boone County Comprehensive Plan text states "that development to the east of Camp Ernst Road and south of KY 18 should be in carefully planned residential areas" (p. L-14). Other references to the Comprehensive Plan can be found in the Staff Report.

COMMITTEE REPORT

EXHIBIT 'B'

TO: Boone County Planning Commission

FROM: Rector Jones, Chairman


DATE: March 4, 1987

RE: Request of the City Council of the City of Walton, Kentucky, for a Zoning Map Amendment to rezone a certain property, more commonly known as the Dorothy Hill Property, from the present zoning of Suburban Residential One (SR-1) and Rural Suburban (RS), to all Rural Suburban (RS). The property is adjacent to the proposed Walton City Park, located south of Old Beaver Road, west of Stephenson Mill Road, and east of I-75, and containing approximately 20 acres.


REMARKS:

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact:

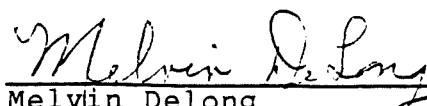
1. There have been major changes of an economic, physical or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character. The specific location and development of the proposed Walton City Park was not specifically addressed in the 1986 Boone County Comprehensive Plan.
2. The existing zoning classification is inappropriate and the proposed zoning classification is appropriate. The proposed zoning is appropriate for several reasons:
 - a) The potential increase in traffic due to development of a park serving community needs should be offset by a decrease in potential housing unit density for property in the vicinity. Old Beaver Road and Stephenson Mill Road, in their existing conditions, are capable of serving only a moderate volume of residential and through traffic.
 - b) The proposed zoning classification would limit residential development on the subject parcel to a density similar to existing residential development in the immediate vicinity, thus preserving the value and character of the neighborhood adjoining the proposed park site.



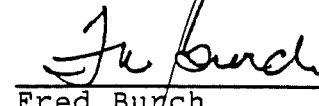
 Rector Jones, Chairman



 Donald Davis



 Melvin DeLong



 Fred Burch

 William Viox

 Larry Barnett

R-11-87
COPY

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY, APPROVING A ZONING MAP AMENDMENT TO THE BOONE COUNTY AND CITY OF WALTON ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) AND RURAL SUBURBAN (RS) TO ALL RURAL SUBURBAN (RS) LOCATED SOUTH OF OLD BEAVER ROAD, WEST OF STEPHENSON MILL ROAD, AND EAST OF I-75, WALTON, BOONE COUNTY, KENTUCKY

WHEREAS, CITY OF WALTON, KENTUCKY, IS A LEGISLATIVE BODY MEMBER OF THE BOONE COUNTY PLANNING COMMISSION, A JOINT COUNTY-WIDE PLANNING UNIT OR COMMISSION ESTABLISHED UNDER CHAPTER 100 OF THE KENTUCKY REVISED STATUTES; AND,

WHEREAS, THE BOONE COUNTY PLANNING COMMISSION HAVING RECEIVED A REQUEST FOR APPROVAL AND ADOPTION FOR A MAP AMENDMENT FOR A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) AND RURAL SUBURBAN (RS) TO ALL RURAL SUBURBAN (RS) LOCATED SOUTH OF OLD BEAVER ROAD, WEST OF STEPHENSON MILL ROAD, AND EAST OF I-75, WALTON, BOONE COUNTY, KENTUCKY, WHICH IS MORE PARTICULARLY DESCRIBED BELOW; AND,

WHEREAS, THE BOONE COUNTY PLANNING COMMISSION HAVING CONDUCTED A PUBLIC HEARING SERVING AS A DUE PROCESS TRIAL-TYPE HEARING AND MADE FINDINGS RECOMMENDING APPROVAL OF THE ZONE-CHANGE REQUEST;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON, KENTUCKY, AS FOLLOWS:

SECTION ONE

That the Zone Change for the real estate which is more particularly described below be and is hereby approved and

adopted, this Map Amendment being a Zone Change from Suburban Residential One (SR-1) to All Rural Suburban (RS) for property located south of Old Beaver Road, west of Stephenson Mill Road, and east of I-75, Walton, Boone County, Kentucky. The real estate which is the subject of the Zone Change Approval is more particularly described in attached Exhibit "A".

SECTION TWO

That the Finding of Facts of the Boone County Planning Commission as set forth in its Minutes and Official Records for the Zone Change Request be and they are hereby incorporated by reference as if fully set out herein and serve as a basis for approval and adoption of the aforesaid Map Amendment.

SECTION THREE

This Ordinance and the Boone County Zoning Regulations, including the Zoning Map, adopted and approved, and their parts, sections, subsections, clauses and provisions are hereby declared to be severable. If a Court having jurisdiction invalidates any part, section, subsection, clause, or provisions of this Ordinance or the Boone County Planning and Zoning Regulations, including the Boone County Zoning Map, all other parts, sections, subsections, clauses or provisions shall remain valid and effective as they are severable.

PASSED, APPROVED AND ADOPTED UPON FIRST READING BY 5
MEMBERS OF CITY COUNCIL ON THE 13th DAY OF April, 1987.

PASSED, APPROVED AND ADOPTED UPON SECOND READING BY 5
MEMBERS OF CITY COUNCIL ON THE 27th DAY OF April, 1987 AND
ORDERED PUBLISHED AS REQUIRED BY LAW.

APPROVED:

William M King

MAYOR WILLIAM KING

ATTEST:

Ruth L. Glenn

RUTH GLENN, CITY CLERK

THIS INSTRUMENT PREPARED BY:

Anthony W. Frohlich

ANTHONY W. FROHLICH
ATTORNEY FOR CITY OF WALTON
7992 Dixie Highway
Kentucky National Bank Bldg.
P.O. Box 6205
Florence, Kentucky 41042-6205

Telephone: (606) 525-6161

NOTICE PUBLIC HEARING

Notice is hereby given that the Boone County Planning Commission will hold a Public Hearing regarding a Zoning Map Amendment request by the City Council of the City of Walton, Kentucky for certain real estate owned by Dorothy Hill. The map amendment requests for a change from the present zoning district of Suburban Residential One (SR-1) to Rural Suburban (RS). The Public Hearing is to be held on February 1987, at 8:00 p.m., prevailing time, in the third floor auditorium of the Boone County Administration Building, Burlington, Kentucky.

The real estate for which the Zoning Map Amendment is requested is more particularly described as follows:

EXHIBIT "A"

PARCEL #1

Located generally in Boone County, Kentucky, and in the city of Walton, on the East side of the Interstate Highway and described particularly as follows; BEGINNING at the intersection of the East line of the Interstate Highway with the North line of the original J.G. Tomlin farm tract; thence with said line of said tract N 48-50 E 738 feet to the center of the Walton-Beaver Rural Highway; thence along the center line of said highway N 89 E 280.7 feet, S 78-30 E 286.4 feet, S 86-50 E 344.9 feet; thence leaving said high-

way S 18-50 E 230.8 feet, S 67-15 W 173.4 feet, S 42-30 E 447.5 feet to a point in the centerline of the Stephensons Mill Road; thence along the centerline thereof S 18 W 300 feet, S 25-15 W 250 feet, S 49-15 W 1150 feet, S 29-30 W 150 feet, S 44-15 W 525 feet or sufficient to reach the East line of the Interstate Highway; thence therewith N 5 E 1990 feet or sufficient to reach the place of beginning, containing 57.2 acres and subject to legal highways.

BEING THE SAME PROPERTY described in Deed Book 155, Page 409.

Excepted from the foregoing are the following:
One point Two Seven Four (1.274) acres described in Deed Book 212, Page 544.

Zero point Five Four (0.54) acres recorded in Deed Book 252, Page, 245.

Point Five Zero (.50) acres recorded in Deed Book 255, Page 81.

Point Five Zero (.50) acres recorded in Deed Book 279, Page 239.

Property conveyed to the City of Walton for a City Park described as follows:

Twelve (12) acres described in Deed Book 350, Page 61.

Fourteen (14) acres described in Deed Book 350, Page 52.

Four (4) acres described in Deed Book 359, Page 300.

There are also five (5) highway deeds excepted out of the foredescribed property as follows:
Highway Deed Book 3, Page 157.
Highway Deed Book 4, Page 31.
Highway Deed Book 4, Page 43.
Highway Deed Book 4, Page 45.
Highway Deed Book 4, Page 119.

This legal description given above has been supplied by the applicant for this application and represents a part of or the complete tract as recorded in DEED BOOK 155 PAGE 409 of the Boone County Clerk's office. This Public Hearing is to serve as a due process, trial type hearing where all persons may be heard regarding this map amendment.

The Boone County Comprehensive Plan, including its Land Use Plan Map, will be reviewed to determine whether the map amendment, if approved, would be consistent with the Comprehensive Plan. If such a map amendment would be inconsistent with the Comprehensive Plan, then any changes to the Comprehensive Plan to make it consistent with the requested map amendment, if approved, will be reviewed.

All interested persons are encouraged to attend and be heard.

Pub: Feb. 12, 1987

BCRIT